

"An Act authorizing any governmental agency and/or municipality of the State of Texas heretofore authorized to borrow money from the Reconstruction Finance Corporation under the Acts of the Forty-third Legislature and prior Acts to also borrow money in accordance with the provisions of the several Acts of the Forty-third Legislature and prior Acts from any other Federal agency now or to be hereafter created, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODUL, Vice-Chairman.

By Hughes, et al. H. B. No. 958.

#### A BILL To Be Entitled

An Act authorizing any governmental agency and/or municipality of the State of Texas heretofore authorized to borrow money from the Reconstruction Finance Corporation under Acts of the Forty-third Legislature and prior Acts to also borrow money in accordance with the provisions of the several Acts of the Forty-third Legislature and prior Acts from any other Federal Agency now or to be hereafter created, and declaring an emergency.

Whereas, Several Acts of the Forty-third Legislature have been passed to permit borrowing from the Reconstruction Finance Corporation; and

Whereas, Congress is about to transfer the duties and powers of the Reconstruction Finance Corporation to another Federal Agency, and thereafter no more funds will be lent by the Reconstruction Finance Corporation to governmental agencies and/or municipalities; now, therefore,

Be it enacted by the Legislature of the State of Texas:

Section 1. Any governmental agency and/or municipality of the State of Texas, heretofore authorized to borrow money from the Reconstruction Finance Corporation under Acts of the Forty-third Legislature and prior Acts, is also authorized to borrow money in accordance with the provisions of the several Acts of

the Forty-third Legislature and prior Acts from any other Federal Agency now or to be hereafter created.

Sec. 2. The fact that several Acts of the Forty-third Legislature have been passed to permit borrowing from the Reconstruction Finance Corporation and the duties and powers of the Reconstruction Finance Corporation are being transferred to other Federal Agencies, and that funds will not be lent by the Reconstruction Finance Corporation to the governmental agencies and/or municipalities, create an emergency and an imperative public necessity that the constitutional rule, requiring all bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after the date of its passage, and it is so enacted.

#### SEVENTY-FIFTH DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,  
May 30, 1933.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Senate Simple Resolution No. 124.

Senator Russek sent up the following resolution:

Whereas, Marvin Fertsch and Stanley Fertsch, Mrs. Lucille Fertsch and Evelyn Tinn, students of the Hallettsville High School are visiting in the City of Austin, and

Whereas, These young people are concerned in the proceedings of the Senate. Therefore be it

Resolved, That they be extended the courtesies of the Senate floor during their stay in the city.

RUSSEK.

Read and adopted.

#### Communication Ordered Printed.

Senator Collie sent up the following communication which was ordered printed in the Journal:

Austin, Texas, May 30, 1933.

To the Senate of Texas:

We, the Pages of the Senate of the Forty-third Legislature, wish to express our deep and sincere apprecia-

tion to the Hon. Edgar E. Witt, and the members of the Senate for the interest they have shown in us by selecting us to be pages for this session of the Legislature.

We wish to thank each member for the trust he has placed in us and for his unfailing patience with us.

We assure you that it has been a pleasure to serve you in every capacity in which we have had an opportunity.

We thank you for your many kindnesses and for your cooperation with us.

FRANK CONLEY,  
DAVID WALKER,  
JOHN J. FAUBION, JR.  
LORY D. WHITE, JR.  
A. V. RILEY,  
CHARLES SMITH,  
JAMES K. MOORE,  
JOHN STUART,  
MARTIN HARRIS,  
FRED DAVIS SPENCER,  
LAMAR DEUPREE,  
F. B. JEFFERY,  
O. B. LUSK,  
LEW BORDEN,  
ELLWOOD W. BROWN,  
DAVID MORRIS,  
GEORGE YOUNG,  
J. L. WALKER,  
JACK LOVE.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 423, A bill to be entitled "An Act to amend Article 4875-a-3, Chapter 9-a, Title 78, Revised Civil Statutes of 1925, providing and permitting local mutual aid associations to operate in the State of Texas and write business in territory embraced within one county, or to a territory embraced within a radius of one hundred (100) miles of the city or town of the association, including counties traversed by said radius or to all the counties adjoining that in which the home office is situated or where the home office of an association is located within less than one hundred (100) miles of border line of the State to a limited number of connecting counties whose total area

does not exceed that allowed under the law to any other local mutual aid association of Texas, and declaring an emergency."

The House refused to pass to third reading the following bill:

S. B. No. 137, A bill to be entitled "An Act to authorize and empower parties to make the State of Texas a defendant to causes of action affecting real estate for the purpose of determining priority of liens whenever it appears that the State has a recorded judgment lien or liens on such real estate where such judgment lien arose out of a judgment of forfeiture of a bail bond; providing for a method of procedure, and limiting the right of joinder to that particular class of cases enumerated; providing that no costs or money judgment shall be rendered against the State; providing that if a part of this Act is declared unconstitutional it shall not affect the remaining parts of this Act, repealing all laws in conflict herewith, and declaring an emergency."

The House had adopted the Conference Committee Report on House Bill No. 47 by a vote of 62 yeas and 60 nays.

The House has concurred in Senate amendment to House Bill No. 14 by a vote of 118 yeas, and 0 nays.

The House has adopted the Conference Committee Report on Senate Bill No. 209 by a vote of 102 yeas, and 4 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Simple Resolution No. 125.

Senator Woodward sent up the following resolution:

Whereas, The Hon. Claude B. Hudspeth is now in the Senate Chamber; and,

Whereas, He formerly served as a member of the House of Representatives and later served as a member of the Senate of Texas; and,

Whereas, He was later honored by the people of his district and served for many years as Congressman from the El Paso District; and,

Whereas, He has many friends and acquaintances now serving in the Senate who recognize in him a man of outstanding ability and one who served his people long and faithfully; and,

Whereas, As evidence of the esteem in which he is held, be it

Resolved by the Senate of the State of Texas, That the Hon. Claude B. Hudspeth be accorded the privileges of the floor during his sojourn in the City of Austin and that he now be invited to address the Senate.

REGAN,  
WOODWARD.

Read and adopted.

**Mr. Hudspeth Addresses Senate.**

The Chair appointed Senators Woodward, Regan, Parr and Small to escort Mr. Hudspeth to the platform.

The Chair introduced Senator Woodward, who introduced Mr. Hudspeth. Mr. Hudspeth addressed the Senate.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 81, Relating to the appropriation for the publication of constitutional amendments.

H. C. R. No. 105, Granting permission to the Independent Oil Co., et al., of San Angelo, Texas, to sue the State for damages.

H. C. R. No. 106, Granting Frank Demopulos, owner and operator of the Royal Cleaners of Texarkana, Texas, permission to sue the State.

H. C. R. No. 107, Relating to the completion of the project of building the road from Presidio to Natchitoches.

H. C. R. No. 90, Granting permission to Frank McKinney of Lufkin, Texas, to sue the State for personal injuries.

S. C. R. No. 50, Authorizing Alfred Brown to sue the State of Texas.

The House has concurred in Senate amendments to H. B. No. 832 by a vote of 72 yeas, 52 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Message From the Governor.**

Executive Department,  
Austin, Texas, May 30, 1933.  
To the Texas State Senate:

I ask the advice, consent and confirmation by the Senate of the fol-

lowing appointments for the next ensuing statutory term:

To be branch pilots for the Port of Galveston and Texas City:

H. H. Haden of Galveston County.

Lewis Locke of Galveston County.

H. L. Babcock of Galveston County.

B. F. Pomeroy of Galveston County.

A. M. Carlson of Galveston County.

V. C. Amburn of Galveston County.

H. D. Wetmore of Galveston County.

J. J. Dalehite of Galveston County.

W. A. Leech of Galveston County.

Ralph Willoughby of Galveston County.

To be branch pilots for Aransas Pass Bar and tributaries:

James E. Cotter of Nueces County.

Cooper B. Walker of Nueces County.

To be branch pilot for Port Isabel:

Hon. Joseph A. Kelly of Cameron County.

To be branch pilot for Sabine Pass and tributaries:

Hon. Carl Bancroft of Orange County.

To be a member of the State Board of Barber Examiners:

Hon. R. M. Huey of Bell County to fill the unexpired term of Hon. Eldon L. Smith, resigned.

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 953, A bill to be entitled "An Act to amend S. B. No. 195, known as the Congressional Redistricting Bill, passed by the Forty-third Legislature at the Regular Session thereof, by fixing the counties to hereafter compose the Second and Seventh Congressional District; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**House Bill Referred.**

H. B. No. 953 referred to Committee on Congressional Districts.

**Bills Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. 923.                      S. C. R. No. 50.  
H. B. 956.                      S. C. R. No. 81.

**Senate Bill No. 412.**

The question recurred upon the adoption of the free conference committee report on the following bill:

By Senator Martin:

S. B. No. 412, A bill to be entitled "An Act for the purpose of strengthening and providing for a stronger and more efficient administration and enforcement of all inheritance, occupation, gross receipts, gross production taxes, gross premium taxes on insurance companies, gasoline, excise, sales, and all other State's taxes, including intangible, and all character of delinquent State taxes other than ad valorem taxes on property; providing for an appropriation for the use of the State Tax Board and the State Tax Commissioner, for the purpose of assisting in the enforcement and collection of such taxes, particularly delinquent taxes, other than ad valorem taxes on property; amending Article 7076, Chapter 2, Title 122, of the Revised Civil Statutes, 1925, so as to confer additional powers and authority upon the State Tax Board and the State Tax Commissioner in the collection of delinquent taxes; providing for the employment of necessary auditors, clerks, tax supervisors and attorneys, etc.; and declaring an emergency."

**Recess.**

Senator Russek moved to recess until 2:30 o'clock p. m.

Senator DeBerry moved to recess until 2 o'clock p. m.

The motion to recess until 2 o'clock p. m. prevailed, and at 11:58 o'clock a. m. the Senate recessed.

**After Recess.**

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Senate Bill No. 412.**

The question recurred upon the adoption of the free conference com-

mittee report on S. B. No. 412.

Senator Woodruff moved the previous question on the further consideration of the report. The motion was seconded.

Senator Rawlings asked permission to make a motion to re-commit the report.

The Chair, Lieutenant Governor Edgar E. Witt, held that the motion was out of order unless the motion for the previous question failed of adoption.

The motion for the previous question prevailed by the following vote:

Yeas—18.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Redditt.
Duggan.	Regan.
Fellbaum.	Sanderford.
Hornsby.	Small.
Martin.	Woodruff.
Murphy.	Woodul.

Nays—5.

Holbrook.	Rawlings.
Moore.	Woodward.
Parr.	

Absent.

Greer.	Purl.
Hopkins.	Russek.
Pace.	Stone.
Patton.	

Absent—Excused.

Cousins.

The report was adopted by the following vote:

Yeas—13.

Blackert.	Redditt.
Fellbaum.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Pace.	Woodruff.
Patton.	

Nays—11.

Beck.	Parr.
Collie.	Poage.
DeBerry.	Rawlings.
Duggan.	Woodul.
Greer.	Woodward.
Holbrook.	

Present—Not Voting.

Oneal.

Absent.

Moore.

Purl.

Neal.

Russek.

Absent—Excused.

Cousins.

Hopkins.

Reason for Vote.

I answered "Present" on motion to adopt conference committee report on S. B. No. 412 because of the fact that on account of my physical condition I had not been able to study same. I was on the conference committee but was able to meet only one time with the committee, and at that time we did not go very much into the bill. Later, I signed the report at the request of another Senate member, but later requested that my name be taken from the report until I could study the bill. Then I was sent to bed sick and during such time that I was confined to my room the report was printed with my name (by mistake) still thereon.

ONEAL.

#### Senator Holbrook Addresses the Senate.

Senator Pace asked unanimous consent to suspend the regular order and request Senator Holbrook to address the Senate in honor of Decoration Day.

Objection was heard.

Senator Pace moved to suspend the regular order of business and request Senator Holbrook to address the Senate.

Senator Woodruff moved as a substitute that Senator Holbrook be invited to address the Senate for five minutes.

The substitute motion prevailed by the following vote:

Yeas—25.

Beck.

Oneal.

Blackert.

Pace.

Collie.

Parr.

DeBerry.

Patton.

Duggan.

Rawlings.

Fellbaum.

Redditt.

Hornsby.

Regan.

Martin.

Russek.

Moore.

Sanderford.

Murphy.

Small.

Neal.

Stone.

Woodruff.  
Woodul.

Woodward.

Nays—1.

Poage.

Present—Not Voting.

Holbrook.

Absent.

Greer.

Purl.

Hopkins.

Absent—Excused.

Cousins.

Senator Holbrook briefly addressed the Senate.

On motion of Senator Greer, the address was ordered printed in the Journal as follows:

#### Address of Senator T. J. Holbrook in the Senate of Texas, Me- morial Day, May 30, 1933.

Mr. President and Members of the Senate:

I esteem it a great honor to have been invited by the Senate, at the instance of one of the members of of this body who was a soldier in the late World War, to join with you in speaking the homage of our affections to the memory of those of our soldiers who have fallen in the line of battle. It denotes a fine conception of the ideals conceived of the illustrious dead, that we draw apart on this anniversary and join our spirits with those of our soldiers who have crossed to life and light eternal.

Memorial days proclaim the merits of the living, as well as the virtues of the dead. We would indeed prove ourselves unworthy to enjoy the blessings purchased by the labors of the dead, if we were indifferent to their sacrifices and their achievements. We pause at this hour, in union with the people of this Nation in testimony of our grateful remembrance and real appreciation of the rare qualities of leadership which actuated the soldiers of this Republic who have fallen upon the field of battle.

The fact that we do this, is evidence that the same spirit which

animated them, awakens a like response in our breasts. We have not paused here to redress any wrongs, to discuss methods of trade, to discuss legislative problems, to promote commerce, to formulate constitutions, nor to indulge in recollections of our social or economic progress; but rather have we met in the confines of this Senate Chamber to commune again with those shadows of the past and take courage from the lessons we learn by reviewing their achievements.

In an era of apparent tranquility, when the Nation is at peace with the world, this Memorial Day marks the time when its citizens should assemble and pay the homage of love and respect to the memory of those who, besides enduring untold hardships have made the supreme sacrifice; that "Government of the people, by the people, and for the people, shall not perish from the earth."

Nearly seventy years ago one of our martyred presidents stood upon the plains of a great battlefield and said, "Four score and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now, we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure." He further stated upon that occasion that no act of that generation of men could hallow the ground upon which they stood there, but that it should never be forgotten what our soldiers accomplished on that battlefield. These words have burned deeply into the hearts of the American people, because they furnish a true concept of the principle upon which the Republic was founded, and fully emblemize the spirit which gave it birth.

I thank God that the Government has endured, not only through that unfortunate war, but through a more recent one in which the foundation of civilization was at stake. The young men of the country who participated in that war and who are sponsoring memorial services like this over the Nation today, together with multiplied thousands of their comrades who will never answer another roll call, played a conspicuous part in this last war. We have set

apart these moments here to join with those who helped them from behind the lines in expressing our undying gratitude to the memory of their buddies who are now ensconced

"On fame's eternal camping ground,  
Where their silent tents are spread,  
Where glory guards with solemn round,  
The bivouac of the dead."

In America the recollection of their glorious deeds will always be a treasured memory with those who knew and loved these men.

It is delightful to learn from those who saw them fight and fall in trenches on a foreign soil that they had a touch of the high spirit of religion, that they knew they were exhibiting a spiritual as well as a physical might, and those of us who know and love America that they were disclosing to the whole world a true spirit and devotion of their native land. It was America who went to battle in the person of these men, and will be forever grateful that she was so represented. And it is more delightful to entertain such thoughts because we know that these men, though buried in a foreign land, are not interred in an alien soil. They are home, sleeping with the souls of those who thought the same thoughts and entertained the same aspirations.

Since our last great war ended, there has annually come to us on this recurring anniversary, messages of genuine comradeship and sympathy from those nations beyond the seas which were allied with us in a common cause.

For this we are grateful and join hopes with them on this Memorial Day that that war will prove to be indeed and in truth a war that ended wars.

But it will be no profit to eulogize the spirit of our dead who fell on the fields of battle if we did not take to heart the lesson they taught. They are gone, never to be buffeted again by time or chance. They have done their part to show their devotion to a great country and they left us to see to it that that country shall not be betrayed either in war or in peace. It is our privilege and duty to con-

secrete ourselves anew, on a day like this, to the objects for which they fought and died. These men did not travel across the seas merely to defeat an enemy with his associated powers in war, they went to defeat forever the things for which those powers stood, the sort of power they meant to assert in the world, the arrogant, selfish domination which they meant to establish and they went moreover to see to it that there never should be a war like that again.

It is for us, particularly those of us who claim to be civilized, to use our proper weapon of council and agreement to see to it that there never is such a war again. The nation that should now fling out of this common concord would betray the human race. In an address at Suresnes, near Paris, on May 30, 1919, the immortal Woodrow Wilson said, "So it is our duty to take and maintain the safeguards which will insure the mothers of America and the mothers of France and England, Italy and Belgium, and all other suffering nations, against being called upon for this sacrifice again. This can be done. It must be done, and it will be done. The things that these men left us, though they did not in their counsels conceive it, is the great instrument which we have just erected in the League of Nations. The League of Nations is the covenant of governments that these men shall not have died in vain. I like to think that the dust of these sons of America, who were privileged to be buried in their mother country, will mingle with the dust of the men who fought for our union, and that as those men gave their lives in order that America might be united, these men have given their lives in order that the world might be united.

"Those men gave their lives in order to secure the freedom of the Nation. These men gave theirs in order to secure the freedom of mankind and I look forward to an age when it will be just as impossible to regret the results of their labor and sacrifice as it is now impossible to regret the results of the labor and sacrifice of those men who fought for the union of our States."

These words were prophetic, and

whether or not the League of Nations as conceived by Wilson, shall ever become a reality, there will, in my judgment, come a time when wars such as the last was, will become an impossibility through the instrumentality of a world court, or some such agency, working for the betterment and ennoblement of mankind. It is true that no previous generation has given particular attention to this method of procedure, but due to the progress of science, in annihilating space and inventing destructive materials, I have faith enough in the race to believe that sane thinking will drive the peoples of the world to flee from total annihilation, by finding a way to escape the ravages of cruel and useless war.

In the solution of this new problem, America, of course, in God's good time, will take a leading part. She was born to show mankind the way to liberty, and to make of it a common gift. This is amply proven in the fact that she has never engaged in a war of conquest. She was born to show men the way of experience by which they might realize this gift and maintain it; and I hail the American Legion in the name of all the traditions of our common country, to make themselves soldiers now and for all time in this cause where they will need no uniform except the uniform of a righteous heart; clothing themselves with the principles of right, and saying to men everywhere "You are our brothers, and we invite you into a comradeship of liberty and of peace." Let us not dismiss the thought of this hour without hearing these unspoken mandates of the Legion and their comrades.

To our soldiers who are living and who fought our battles across the sea, we have welcomed them back with outstretched arms and open hearts to the land of their Fathers. Peaceful in your pursuits while furthering the welfare of our common country, we shall rejoice to find you always and everywhere in opposition to unwarranted oppression, and in defense of those benign principles which make for the perpetuity of a government whose basic ideals are founded upon a just conception of liberty regulated by law.

To those immortal comrades who

have fallen asleep in the democracy of death, we pledge anew our grateful remembrance. We are not unmindful of the fact that 1656 of our American boys rest in graves across the sea, which are marked at the head on the tiny crosses that rise above them the simple but expressive inscription "Unknown."

It was my privilege a little while ago to stand in the cemetery at Arlington, by the side of the sarcophagus in which rests the remains of the "Unknown Soldier." There in transcendent glory, he awaits the resurrection in company with the Nation's great immortals. With uncovered head and subdued feelings, I saw uncounted thousands pass by and lay their flowers of affection upon the marble slab that stood above his dreamless dust. It was a scene never to be forgotten; and one which no true patriot could view without a renewed gratitude toward the memory of those "Whom we have long loved but lost a while."

At Chalons-Sur-Marne, his body was selected from that of four unknown American boys, brought there in sealed caskets from different fields, to be reinterred at the Nation's capital; so that there might be made for all time a permanent shrine at which the President and our Representatives might gather on this Memorial Day and pay fitting tribute to those gallant defenders of our common faith.

Every American mother who mourns a son in a grave marked "Unknown" can through the knowledge of this gracious act, feel an intimate thrill of pride in such service; for it is in spirit, and may have been in fact, her own son who has been so signally honored—her own son who is buried there. She can also feel and know that the people of America will never agree in truth, that such a son is "unknown"; for they will remember him.

"The unknown dead? Not so; we knew him well  
Who died for us on that red soil  
of France,  
Who faced the fearful shock of shot  
and shell,  
And laughed at death in some  
blood-strewn advance.

Nameless in truth, but crowned  
with such a name  
As glory gives to those who greatly  
die,  
Who marched a simple soldier, with  
the flame  
Of duty bidding him to Calvary.

He is all brothers dead, all lovers  
lost,  
All sons and comrades resting over  
there;  
The symbol of the knightly, fallen  
host,  
The sacred pledge of burdens yet  
to bear.

Mangled and torn, for whom we  
pray today,  
Whose soul rose grandly to God's  
peaceful throne,  
Leaving us this quiet, shattered clay,  
Silent and still—unnamed—but  
not unknown.

He sleeps beneath no immortal yews;  
His resting place no temple arches  
hem;  
No blazoned shaft or graven tablet  
wooes  
Men's praises—and yet, we shall  
remember him.

The unforgetting clods shall drop  
their tears;  
The winds in ceaseless lamenta-  
tions, wail,  
For God's White Knights are lying  
on their biers,  
Who vowed their service to restore  
the Grail.

He gave his life to make the whole  
world free;  
He recked not, to what flag he was  
assigned,  
The Starry Banner, Cross or Fleur-  
de-Lis  
His sacrifice was made for all  
mankind.

For him the task is done, the strife  
is stilled;  
No more shall care disturb, nor  
zeal condemn;  
And when the larger good has been  
fulfilled,  
In coming years, we shall remem-  
ber him.

How can the world his deeds for-  
get? In France  
White crosses everywhere lift  
pallid hands,  
Like silent sentinels with sword and  
lance,  
To keep his memory safe for other  
lands.



What need has he for holy sepulture?

Within the heart of men are hal-  
lowed ground—

A sanctuary where they rest secure,  
And with love's immortality are  
crowned.

And far off voices of the future sing,  
'They shall remain in memory's  
diadem';

And winds of promise still are whis-  
pering

Through storied years, 'We shall  
remember him'."

#### Senate Bill No. 209.

Senator DeBerry called up the  
free conference committee report on  
the following bill:

By Senators Beck, Purl, Moore,  
DeBerry, Hornsby Woodruff:

S. B. No. 209, A bill to be entitled  
"An Act amending Article 3883 of  
the Revised Civil Statutes of 1925,  
as amended by the Acts of the Forty-  
second Legislature, Chapter 340; fix-  
ing the maximum annual fees of  
office authorized to be retained by  
certain district, county and precinct  
officers named herein; repealing all  
laws or parts of laws in conflict here-  
with, and declaring an emergency."

The report was adopted by the  
following vote:

#### Yeas—25.

Beck.	Parr.
Blackert.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

#### Nays—3.

Fellbaum.	Small.
Pace.	

#### Absent.

Hopkins.	Patton.
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#### Absent—Excused.

Cousins.

#### Reason for Vote.

I signed and voted for the adop-  
tion of the conference report on  
S. B. No. 209 for the following rea-  
sons: I was made chairman of the  
Senate conference committee and  
chairman of the joint conference  
committee. We held about ten meet-  
ings and worked until midnight each  
meeting writing this bill and trying  
to work out its many conflicting  
phases. I voted and worked in the  
committee to reduce these salaries  
more than the amounts carried in  
the bill. I opposed putting off the  
effective date of this bill to January  
1, 1934, but was outvoted. This  
bill should have become effective at  
once because the public demanded  
it, and because the relief should  
have come now. The county officials  
were on notice that the cut was com-  
ing and expected it.

I believe the bill is much better  
than the present law and therefore  
accepted and voted for same as the  
best compromise that could be ob-  
tained at this time.

DeBERRY.

#### Reason for Vote.

I vote "No" on the question of the  
approval of the conference commit-  
tee report to S. B. No. 209 for the  
reason that I think that there are  
inequities in the bill as reported.  
While I know that reductions should  
be made, I am unwilling for the basis  
of these reductions to be made solely  
on the population of 1930 for the  
reason that in at least two of the  
counties of my senatorial district the  
population has increased many thou-  
sands above the census as shown in  
1930 and, therefore, these counties  
and the officers thereof are being  
penalized without reasonable cause.

PACE.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills:

H. B. No. 940, A bill to be entitled  
"An Act granting the Board of Con-  
trol, with the Governor's approval,  
the right and power to sell not more  
than ten (10) acres of the land

owned by the Gilmer State Orphanage; and declaring an emergency."

H. B. No. 668, A bill to be entitled "An Act to amend Article 2889-a of Subdivision 2 of Title 49, Revised Civil Statutes of the State of Texas, 1925, relating to special teachers certificates, and declaring an emergency."

H. B. No. 957, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey, assign, and/or transfer all right, title, and interest of whatsoever class, kind, and character directly or indirectly belonging to the State of Texas in and to that tract of land known as the thirty-five (35) acre park site situated in Hillsboro in Hill County, etc., and declaring an emergency."

The House failed to pass to third reading S. B. No. 295 by a vote of 38 yeas and 63 nays.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Motion to Reconsider.

Senator Redditt moved to reconsider the vote by which the Free Conference Committee report on H. B. No. 256 was recommitted. The motion prevailed.

The report was adopted by the following vote:

#### Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

#### Absent—Excused.

Cousins.

#### House Bills Referred.

H. B. No. 953, referred to Committee on Congressional Districts.

H. B. No. 668, referred to Committee on Educational Affairs.

H. B. No. 940, referred to Committee on Public Lands and Land Office.

H. B. No. 957, referred to Committee on Public Lands and Land Office.

H. C. R. No. 105, referred to Committee on State Affairs.

H. C. R. No. 106, referred to Committee on State Affairs.

H. C. R. No. 107, referred to Committee on State Highways and Motor Traffic.

H. C. R. No. 90, referred to Committee on State Affairs.

#### Senate Bill No. 573.

Senator Holbrook asked unanimous consent to take up out of its regular order S. B. No. 573.

Objection was heard.

Senator Holbrook moved to suspend the regular order of business and take up S. B. No. 573. The motion was lost by the following vote:

#### Yeas—14.

Beck.	Neal.
Duggan.	Parr.
Greer.	Patton.
Holbrook.	Redditt.
Hornsby.	Russek.
Martin.	Stone.
Moore.	Woodul.

#### Nays—11.

Collie.	Rawlings.
DeBerry.	Regan.
Murphy.	Sanderford.
Oneal.	Woodruff.
Poage.	Woodward.
Purl.	

#### Absent.

Blackert.	Pace.
Fellbaum.	Small.
Hopkins.	

#### Absent—Excused.

Cousins.

(Two-thirds vote required.)

#### Senate Bill No. 191.

Senator Neal called up the Free Conference Committee report on the following bill:

By Senator Neal:

S. B. No. 191, A bill to be entitled "An Act authorizing school trustees to issue interest-bearing warrants in payment of salaries of employees; specifying that the rate of interest shall not exceed six per cent per annum; limiting the amount of warrants to be issued; providing for official notice of the issuance of such warrants and for official notice when these warrants can be cashed; giving such warrants preference over ones issued for purposes other than payment of salaries; and declaring an emergency."

The report was adopted by the following vote:

**Yeas—21.**

Beck.	Patton.
Blackert.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Pace.	

**Nays—5.**

Collie.	Poage.
DeBerry.	Purl.
Murphy.	

**Absent.**

Martin.	Parr.
Oneal.	Rawlings.

**Absent—Excused.**

Cousins.

**House Bill No. 560.**

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 560, A bill to be entitled "An Act providing for the issuance of patents, under certain conditions, to lands and accretions thereto, heretofore claimed by New Mexico to be in that State, but determined by the Supreme Court of the United States, in its decree of April 9, 1928, to be within the State of Texas, and prescribing the considerations and the conditions necessary for the issuance of such patents, and the manner of such issuance and the provisions to be contained in such patents, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 560 was put on its third reading and final passage by the following vote:

**Yeas—30.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

Cousins.

Read third time and finally passed by the following vote:

**Yeas—28.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Duggan.	Poage.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Nays—2.**

DeBerry.	Purl.
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**Absent—Excused.**

Cousins.

**House Bill No. 822.**

Senator Collie called up from the table the following bill:

H. B. No. 322, A bill to be entitled "An Act to fix the tuition to be collected from students registering in the schools of collegiate rank, supported in whole, or in part, by appropriation of public funds from the State Treasury, and empowering the State Board of Education to grant scholarships to such institutions, and prescribing the regulations therefor."

Senator DeBerry sent up the following amendment:

Amend H. B. No. 322 by striking out the following words: "retained by such institutions and accounted for annually as provided in the general appropriation bill" and insert in lieu thereof the following: "placed in the State Treasury to the credit of the General Revenue Fund," lines 18 and 19, Sec. 2, page 2 of the printed bill.

DeBerry.

Read and lost by the following vote:

Yeas—8.

Beck.	Oneal.
Collie.	Poage.
DeBerry.	Purl.
Murphy.	Woodruff.

Nays—19.

Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Neal.	Stone.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

Absent.

Blackert.	Hopkins.
Fellbaum.	

Absent—Excused.

Cousins.

Senator Redditt sent up the following amendment:

Amend H. B. No. 322, engrossed rider by substituting in lieu thereof the following: Forty Dollars (\$40); by substituting in lieu of the words Twenty-five Dollars (\$25) the words Twenty Dollars (\$20); by substituting in lieu of the words Sixteen Dollars and Sixty-seven Cents

(\$16.67) the words Thirteen Dollars Sixty-seven Cents (\$13.67).

REDDITT.

Read and adopted by the following vote:

Yeas—19.

Blackert.	Patton.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Pace.	Woodul.
Parr.	

Nays—7.

Beck.	Poage.
Collie.	Russek.
Fellbaum.	Sanderford.
Oneal.	

Absent.

Hopkins.	Neal.
Martin.	Woodward.

Absent—Excused.

Cousins.

On motion of Senator Purl, the previous question was ordered on the further consideration of the bill.

The bill was passed to third reading by the following vote:

Yeas—18.

Beck.	Murphy.
Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Purl.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Woodul.

Nays—10.

Duggan.	Parr.
Greer.	Rawlings.
Moore.	Small.
Neal.	Woodruff.
Pace.	Woodward.

Absent—Excused.

Cousins.

(Pair Recorded.)

Senator Patton (present) who would vote nay, with Senator Stone (absent) who would vote yea.

On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 322 was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

## Absent—Excused.

Cousins. Stone.

Read third time and finally passed by the following vote:

## Yeas—17.

Beck.	Oneal.
Blackert.	Poage.
Collie.	Purl.
DeBerry.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Woodul.
Murphy.	

## Nays—11.

Duggan.	Parr.
Fellbaum.	Rawlings.
Greer.	Small.
Moore.	Woodruff.
Neal.	Woodward.
Pace.	

## Absent—Excused.

Cousins.

(Pair Recorded.)

Senator Patton (present) who would vote nay, with Senator Stone (absent) who would vote yea.

## Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of sign-

ing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 14. H. B. No. 47.  
H. B. No. 43.

## Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 283, A bill to be entitled "An Act to amend Section 2 and 3A of an act passed by the Legislature of Texas February 26, 1929, H. B. No. 153, relating to title insurance business and the capital stock of corporations doing such business, and to prohibit such corporations guaranteeing mortgages, and declaring an emergency."

S. B. No. 514, A bill to be entitled "An Act to prohibit the taking, killing or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel traps for taking fur-bearing animals in certain counties, and declaring an emergency."

S. B. No. 546, A bill to be entitled "An Act creating and validating Cameron County Water Control and Improvement District Number Nineteen, in Cameron County, Texas, under the provisions of Section 59 of Article 16 of the Constitution of Texas, for the purposes of the control, storing, preservation, and distribution of its waters and flood waters, etc., and declaring an emergency."

H. B. No. 449, A bill to be entitled "An Act providing that designated State highways traversing incorporated cities and towns of this State having a population of less than ten thousand (10,000) inhabitants, shall be maintained at the expense of the State and such expense to be paid out of the highway maintenance fund, and providing further that it shall be the duty of the Highway Department to maintain such highways, and declaring an emergency."

H. B. No. 959, A bill to be entitled "An Act to amend Senate Bill No. 195, known as the Congressional Redistricting Bill, passed by the Forty-third Legislature at the Regular Ses-

sion thereof, by fixing the counties to hereafter compose the Ninth and Fourteenth Congressional Districts, and declaring an emergency."

S. B. No. 370, A bill to be entitled "An Act to promote public health, safety, morals and general welfare by providing for the construction and supervision of safe and sanitary housing for families of low income, and for the sale or rental thereof on reasonable terms; authorizing the incorporation of limited dividend housing companies and prescribing the powers, rights and duties thereof; creating a State Board of Housing for the purpose of encouraging, approving, assisting, supervising and regulating such activities, prescribing and defining the powers and duties of the Board, including supervisory and regulatory powers over limited dividend housing companies engaged in such activities, authorizing the Board to fix within certain limits the rentals or purchase price of housing accommodations furnished by limited dividend housing companies."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.  
Hall of the House of Representatives,  
Austin Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on H. B. No. 11 by a vote of 110 yeas and 2 nays.

The House has adopted the conference committee report on Senate Bill No. 191 by a vote of 104 yeas and 4 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.  
Free Conference Committee Report.

Senator Rawlings sent up the following Free Conference Committee report on H. B. No. 11 to be printed in the Journal:

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.  
Hon. Coke R. Stevenson, Speaker of the House of Representatives.  
Sirs: We, your Free Conference

Committee, appointed to adjust the differences between the House and Senate on H. B. No. 11, beg leave to submit the following report.

We have had H. B. No. 11 under consideration and recommend the adoption of the attached bill as rewritten by your Free Conference Committee.

RAWLINGS,  
SMALL,  
PACE,  
FELLBAUM,  
WOODWARD,

On the part of the Senate.

VAN ZANDT,  
HARRIS,  
ROBERTS,  
HESTER,  
JOHNSON,

On the part of the House.

By Van Zandt et al. H. B. No. 11.

#### A BILL

#### To Be Entitled

An Act authorizing the payment to the head of any department of the State Government, of occupation, gross receipts, franchise, license or other privilege taxes or fees under protest when it is contended that the taxes are exacted under an invalid law or the public official exacting and demanding the same is without power to collect such taxes; fixing the time and manner and forum for the recovery of such fees or taxes; providing for their deposit at interest; and providing further that when any taxes are paid erroneously that the same may be applied on taxes for the next tax period; and prescribing the duties of the State Treasurer and other public officers of the State Government with reference thereto; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any person, firm or corporation who may be required to pay to the head of any department of the State Government any occupation, gross receipts, franchise, license or other privilege tax or fee, and who believes or contends that the same is unlawful and that such public official is not lawfully entitled to demand or collect the same shall, nevertheless, be required to pay such amount as such public official

charged with the collection thereof may deem to be due the State, and shall be entitled to accompany such payment with a written protest, setting out fully and in detail each and every ground or reason why it is contended that such demand is unlawful or unauthorized.

Sec. 2. Upon the payment of such taxes or fees, accompanied by such written protest, the taxpayer shall have ninety (90) days from said date within which to file suit for the recovery thereof in any court of competent jurisdiction in Travis County, Texas, and none other. Such suit shall be brought against the public official charged with the duty of collecting such tax or fees, the State Treasurer and the Attorney General. The issues to be determined in such suit shall be only those arising out of the grounds or reasons set forth in such written protest as originally filed. The right of appeal shall exist as in other cases provided by law. Provided, however, where a class action is brought by any taxpayer all other taxpayers belonging to the class and represented in such class action who have properly protested as herein provided shall not be required to file separate suits but shall be entitled to and governed by the decision rendered in such class action.

Sec. 3. It shall be the duty of such public official to transmit daily to the State Treasurer all money so received, with a detailed list of all those remitting same, and he shall inform the State Treasurer in writing that such money was paid under protest as hereinabove provided. A deposit receipt shall be issued by the Comptroller for the daily total of such remittances from each department; and the cashier of the Treasury Department shall keep a cash book to be called "Suspense Cash Book," in which to enter such deposit receipts. Upon the receipt of such money by the State Treasurer it shall be his duty and he is hereby required to immediately and forthwith place the same in State depositories bearing interest in the same manner as any other funds of the State required to be placed in such depositories at interest, and the State Treasurer shall further be required to allocate whatever interest is earned on such funds and to credit

the amount thereof to such suspense account until the status of such money is finally determined as herein provided.

Sec. 4. If suit is not brought within the time and within the manner herein provided, or in the event it finally be determined in such suit that the sums of money so paid or any portion thereof, together with the pro rata interest earned thereon, belong to the State, then and in that event it shall be the duty of the State Treasurer to transfer such money from the suspense account to the proper fund of the State by placing the portion thereof belonging to the State in such fund by the issuance of a deposit warrant. When such deposit warrant or warrants are issued, they shall be entered in the cash book, and the proper fund to which such money is so transferred shall be properly credited therewith. In the event, however, that suit is brought by such taxpayer within the time and within the manner hereinabove provided, and it be finally determined that such money so paid by such taxpayer, or any part thereof, was unlawfully demanded by such public official and that the same belongs to such taxpayer, then and in that event it shall be the duty of the State Treasurer to refund such amount, together with the pro rata interest earned thereon, to such taxpayer by the issuance of a refund warrant, the same to be issued in separate series and to be used for making such refunds, to be styled and designated "Tax Refund Warrants" and such warrants shall be written and signed by the Comptroller and countersigned by the State Treasurer and charged against the suspense account, as hereinabove provided, and shall then be returned to the Comptroller and delivered by him to the persons entitled to receive the same.

Sec. 5. Any taxpayer who has heretofore paid any taxes or fees of the character embraced herein to such public official, accompanied by some form of protest, and which moneys are now being held in the suspense account, and who has not brought suit under the suspense account law for the recovery of same, and who is not embraced within or protected by any action which may now be pending for the recovery of

same, shall have ninety (90) days from the effective date of this Act within which to bring suit in the manner hereinabove provided. It is further provided and so directed that the head of department having heretofore received any such sums of money under protest which have not been disposed of, shall immediately, upon this law become effective, notify said corporation having paid the same of the provisions of this law by mailing a copy of the same to such corporation or corporations.

Sec. 6. The provisions of this law directing the State Treasurer to place in the State depositories any taxes or fees paid under the provisions hereof and authorizing the State Treasurer to refund the principal, together with pro rata interest earned thereon, to any taxpayer who may be successful in recovering any sum of money in a suit as hereinabove provided, shall apply to such sums of money as have heretofore been paid by such taxpayer to the State Treasurer and which are now being held in the suspense account, where such taxpayer has brought suit or may bring suit as provided in Section 5 hereof or is embraced within and protected by any suit or cause of action which may now be pending for the recovery thereof, and in the event any such taxpayer should be successful in any such litigation, then and in that event the State Treasurer shall be required to return to such taxpayer the principal amount so recovered, together with the pro rata interest earned thereon from the effective date of this law; and provided further that such taxpayer who is successful in such suit and who has heretofore paid any such taxes or fees which are now held in the suspense account shall be entitled to the principal sum of the amount awarded to him by the court, together with the pro rata interest earned thereon, from the date of the deposit of such principal sum of money to the effective date of this law, and there is hereby appropriated out of any interest earned from the General State Depository Funds a sum of money which shall be sufficient to pay the pro rata amount of interest earned on the taxes or fees so recovered and it shall be the

duty of the State Treasurer to allocate to and pay from the interest earned upon the General State Depository Funds such amount of interest as shall have been earned thereon.

Sec. 6a. Where it shall appear that any taxpayer to whom the provisions of this Act shall apply has erroneously paid more taxes than were due during any previous tax-paying period for the payment of such taxes, either on account of an invalid statute or by reason of mistake of fact or law, such tax collecting officer shall have the authority, and it is hereby made his duty, to credit the total amount of taxes due by such taxpayer for the current period with the total amount of taxes so erroneously paid.

Sec. 7. The provisions of this law shall be cumulative of all laws relating to the payments of taxes or fees of undetermined status and for the holding thereof in the suspense account fund of the State Treasurer.

Sec. 8. The provisions of this law are severable and if any part thereof should be declared unconstitutional it shall not affect the remaining part or parts thereof, which shall remain in full force and effect, notwithstanding such invalid part or parts.

Sec. 9. The fact that more than one million (\$1,000,000.00) dollars of taxes and fees have been paid into the suspense account under the provisions of the suspense account law and a doubt has been expressed as to the right of the persons paying the same to recover such moneys in a suit to determine the correctness or validity of the tax or assessment thereof, and the fact that it was the purpose and intention of the Legislature to authorize the bringing of suits under the present suspense account law for the purpose of testing the validity of such taxes and assessments, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days in each house and said rule is hereby suspended, this Act shall take effect and be in force from and after its passage, and it is so enacted.



## S. C. R. No. 83.

Senator Fellbaum sent up the following resolution:

Whereas, On January 27, 1927, the Grand Lodge of the Sons of Hermann of the State of Texas had a valid builders and mechanics' lien and deed of trust lien on the following property:

"All those certain tracts, parcels and lots of land, located in the County of Harris, State of Texas, and being more particularly described as follows:

"The south 50 feet of each of lots Nos. 13 and 14 and of the adjoining 25 feet by 50 feet out of the east half of lot No. 12, all in block No. 28, in the subdivision of Hyde Park Addition to the City of Houston, on the south side of Buffalo Bayou, Harris County, Texas, said property having a total frontage of 50 feet on Euclid Avenue and extending westerly between parallel lines 125 feet for depth and being the same property which was conveyed by a deed of Victor Sager to Thomas Buckingham and wife, Anna S. Buckingham, by deed Sept. 24, 1921, which is recorded in Vol. 481, p. 484, of Deed Records of Harris County, Texas."

to secure the payment of note in the amount of \$5530.69, executed by Thomas Buckingham and wife, Anna S. Buckingham, due on or before October 1, 1931, which said liens, land and notes are fully described in the mortgage records of Harris County, Texas, recorded in Vol. 338, page 180, to which reference is here made for further description; and

Whereas, While said liens were owned by said Grand Lodge and were in full force and effect, and while said note was unpaid, the State of Texas recovered a judgment in Cause No. 33, dated January 11, 1930, against the said Thomas Buckingham et al., for five hundred dollars, which judgment is recorded in Vol. 47, page 233, in the Abstract of Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also recovered a judgment in Cause No. 34, dated January 11, 1930, against the said Thomas Buckingham et al., for five hundred dollars, which judgment is recorded in Vol. 47, page 234, in the Abstract and Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also a judgment in Cause No. 11462, dated January 11,

1930, against the said Thomas Buckingham et al., for five hundred dollars, which judgment is recorded in Vol. 47, page 246, Abstract and Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also recovered a judgment in Cause No. 11479, dated January 11, 1930, against the said Thomas Buckingham et al., for five hundred dollars, which judgment is recorded in Vol. 47, page 255, Abstract and Judgment Records, Criminal District Court, Harris County, Texas; and also recovered judgment in Cause No. 47450, dated March 10, 1930, against the said Thomas Buckingham et al., for five hundred dollars, which judgment is recorded in Vol. 47, page 575, Abstract and Judgment Records, Harris County, Texas; and also recovered a judgment in Cause No. 55, dated June 28, 1930, against the said Thomas Buckingham et al., for three hundred dollars, which judgment is recorded in Vol. 48, page 461, Abstract and Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also recovered a judgment in Cause No. 56, dated June 28, 1930, against the said Thomas Buckingham et al., for three hundred dollars, which judgment is recorded in Vol. 48, page 462, Abstract and Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also recovered a judgment in cause No. 57, dated June 28, 1930, against the said Thomas Buckingham et al., for three hundred dollars, which judgment is recorded in Vol. 48, page 463, in the Abstract and Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also recovered a judgment in Cause No. 58, dated June 28, 1930, against the said Thomas Buckingham et al., for three hundred dollars, which judgment is recorded in Vol. 48, page 464, Abstract and Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also recovered judgment in Cause No. 11486, dated June 28, 1930, against the said Thomas Buckingham, et al., for three hundred dollars, which judgment is recorded in Vol. 48, page 468, Abstract and Judgment Records, Criminal District Court, Harris County, Texas; and also recovered judgment in Cause No. 11492, dated June 28, 1930, against the said

Thomas Buckingham et al., for five hundred dollars, which judgment is recorded in Vol. 48, page 472, Abstract and Judgment Records, Criminal District Court, Harris County, Texas; and also recovered judgment in Cause No. 11494, dated June 28, 1930, against the said Thomas Buckingham et al., for three hundred dollars, which judgment is recorded in Vol. 48, page 473, Abstract and Judgment Records, Criminal District Court, Harris County, Texas; and also recovered judgment in Cause No. 65, dated December 27, 1930, against the said Thomas Buckingham et al., for five hundred dollars, which judgment is recorded in Vol. 49, page 685, Abstract and Judgment Records, Criminal District Court, Harris County, Texas, all of which judgments have been abstracted in the office of the county clerk of Harris County, Texas, and by reason thereof have created a lien against the lands described above and have passed a cloud upon the property; and

Whereas, Said note is still held by said Grand Lodge, is still unpaid, and is past due and said liens held by it are first liens against said property and superior to the liens created against said property by the judgments above referred to, and the said Grand Lodge in order to protect its interest is now compelled to institute proceedings against the maker of said note, and in said proceedings pray for the foreclosure of its liens against said property and the sale of said property in accordance with law; and

Whereas, That the said purchaser at such sale may obtain a clear title to said property, it is necessary that the State of Texas may be made a party to said suit so that the State's right, interest and title in said property may be determined; now, therefore be it

Resolved by the Senate, the House of Representatives concurring, That the Grand Lodge of the Order of the Sons of Hermann in the State of Texas be and is hereby granted permission to bring suit against the State of Texas, in a court of competent jurisdiction in order to determine the priority of the liens and various rights and interest in the above described property, and that service of citation or other necessary process may be had upon the Governor of Texas and the Attorney

General of Texas with the same force and effect as in other civil cases.

FELLBAUM.

Referred to Committee on State Affairs.

#### Motion to Reconsider.

Senator Patton moved to reconsider the vote by which the Free Conference Committee report on S. B. No. 412 was adopted and spread the motion on the Journal.

#### House Bills Referred.

H. B. No. 959, referred to Committee on Congressional Districts.

H. B. No. 449, referred to Committee on State Highways and Motor Traffic.

#### Recess.

On motion of Senator Russek, the Senate, at 5:57 o'clock p. m., recessed until 9:30 o'clock tomorrow morning.

### APPENDIX.

#### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 81, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 50, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

#### Committee Reports.

Committee Room,

Austin, Texas, May 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 865, A bill to be entitled "An Act to amend Subdivision 9, Article 2135, Chapter 7, Title 42, of

the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts 1931, Forty-second Legislature, page 375, Chapter 221, Section 2, so as to provide that in cities and towns having a population of one thousand (1000) or more inhabitants, according to the last preceding United States Census, the active members of organized fire companies, not to exceed twenty (20) to each one thousand (1000) of such inhabitants, shall be exempt from jury service, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

COLLIE, Chairman.

Committee Room,

Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 783, A bill to be entitled "An Act repealing Articles 5565, 5568 and 5569 of the 1925 Revised Civil Statutes of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the attached committee amendments with the recommendation that it do pass and be not printed.

DeBERRY, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 783, by striking out the following words in Section 1, page 1, of the bill "in so far as such section authorizes the Commissioner of Agriculture to appoint gin inspectors." Strike out the comma after the word "hereby" and insert a period after the word "repealed" in Section 1, page 1.

Committee Amendment No. 2.

Amend H. B. No. 783, by adding after figures 5568, the figures 5567 in line 1, Section 2, page 1 of the bill. Amend the caption by adding after the figures 5568 the figures 5567.

(Majority Report.)

Committee Room,

Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

H. B. No. 733, A bill to be entitled "An Act defining common carrier pipe lines engaged, or to engage in the transportation of natural gas; declaring all corporations, persons, partnerships or associations of persons, now engaged or hereafter to engage in transporting natural gas from place to place in this State to be common carriers, declaring such common carriers to be public utilities and making them subject to the provisions of this Act; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WOODUL, Vice-Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

H. B. No. 733, A bill to be entitled "An Act defining common carrier pipe lines engaged or to engage in the transportation of natural gas, declaring all corporations, persons, partnerships or associations of persons now engaged or to hereafter engage in transporting natural gas from place to place in this State to be common carriers, declaring such common carriers to be public utilities and making them subject to the provisions of this Act; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

DeBERRY,  
ONEAL.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on State  
Affairs, to whom was referred

H. B. No. 299, A bill to be entitled  
"An Act requiring licenses for the  
operation, maintenance, opening or  
establishment of stores in this State,  
prescribing the license and filing  
fees to be paid therefor, and the dis-  
position thereof, providing for cer-  
tain exceptions and fixing the pow-  
ers and duties of the Comptroller of  
Public Accounts in connection there-  
with; making an appropriation; pre-  
scribing penalties for the violation  
thereof; providing if any part of this  
Act is declared unconstitutional or  
invalid, it shall not affect the valid-  
ity of the remainder of this Act, and  
declaring an emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass with  
committee amendments hereto at-  
tached and be printed.

WOODUL, Vice-Chairman.

#### Committee Amendment No. 1.

Amend the caption to House Bill  
No. 299 by adding the following  
words: "Defining certain violations  
to be offenses" between the words  
"appropriation" and "prescribing."

#### Committee Amendment No. 2.

Amend Section 8 of House Bill No.  
299 by adding the word "wholesale"  
between branch and houses and add  
the word "wholesale" after the  
words "bona fide."

#### Committee Amendment No. 3.

Amend H. B. No. 299 by adding  
the following words to the first sen-  
tence in Section 8 of said bill:

"Or the business of any person,  
firm or corporation now paying an  
occupation tax measured by gross  
receipts."

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Ju-  
dicial Districts, to whom was re-  
ferred

H. B. No. 951, A bill to be entitled  
"An Act amending Section or Sub-  
division 102 of Article 199 of the  
Revised Civil Statutes of Texas of  
1925, and changing the times of  
holding the terms of court of the  
District Court of the 102nd Judicial  
District of Texas, etc."

Have had the same under con-  
sideration, and I am instructed to  
report it back to the Senate with the  
recommendation that it do pass, and  
be not printed.

WOODUL, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Ju-  
dicial Districts, to whom was re-  
ferred

H. B. No. 952, A bill to be entitled  
"An Act amending Section or Sub-  
division 5 of Article 199 of the Re-  
vised Civil Statutes of 1925, and  
changing the times of holding the  
terms of court of the District Court  
of the 5th Judicial District of Texas,  
etc."

Have had the same under con-  
sideration, and I am instructed to  
report it back to the Senate with the  
recommendation that it do pass, and  
be not printed.

WOODUL, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on La-  
bor, to whom was referred

H. B. No. 722, A bill to be entitled  
"An Act to amend Article 5155 of  
Chapter 3, Revised Civil Statutes of  
1925, relating to the payment of  
wages, and declaring an emergency."

Have had the same under con-  
sideration, and I am instructed to  
report it back to the Senate with the  
recommendation that it do pass, and  
be not printed.

PURL, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on La-  
bor, to whom was referred

H. B. No. 132, A bill to be entitled  
"An Act providing that all goods,

wares and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners (except convicts or prisoners on parole, probation or furlough), in any penal institution outside of the State of Texas, and transported into the State of Texas, and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in the State of Texas, be subject to the operation and effect of the laws of the State of Texas to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in the State of Texas, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise; providing when this Act becomes effective, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PURL, Chairman.

Committee Room,

Austin, Texas, May 30, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 659, A bill to be entitled "An Act to amend Article 4907, Revised Civil Statutes of 1925, as amended by Chapter 171, Acts of the Forty-second Legislature, by adding thereto the provision that said Commission is empowered to so make, establish and promulgate all classifications of hazards and rates of premium applicable to workmen's compensation policies so as to permit subscribers to contract with their compensation insurance carriers to indemnify said carrier as to all or any part of the carrier's liability for medical, hospital and surgical benefits to an employee and authorizing said Commission to make, establish and promulgate rates of premiums applicable to said contracts of indemnity, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

PURL, Chairman.

Committee Room,

Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 687, A bill to be entitled "An Act providing that no life insurance company organized under the laws of any State other than the State of Texas, or organized under the laws of any foreign country, may reinsure all, or substantially all, of the outstanding business of any solvent life insurance company organized under the laws of this State or acquire, either directly or indirectly, all, or substantially all, of the assets of any solvent insurance company organized under the laws of this State; providing the provisions of this Act shall not prohibit the reinsurance of individual risks in the ordinary course of business; repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PURL, Chairman.

Committee Room,

Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 423, A bill to be entitled "An Act to amend Article 4875a-3, Chapter 9-A, Title 78, Revised Civil Statutes of Texas, of 1925, providing and permitting local mutual aid associations to operate in the State of Texas and write business in territory embraced within one county, or to a territory embraced within a radius of one hundred (100) miles of the city or town of the association, including counties traversed by said radius or to all the counties adjoining that in which the home office is situated or where the home office of an association is located within less than one hundred (100) miles of border line of the State to a limited number of connecting counties whose total area does not

exceed that allowed under the law to any other local mutual aid association of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PURL, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 725, A bill to be entitled "An Act providing that when a necessity exists for the appointment of a receiver of an insurance company by any court of competent jurisdiction in this State, that it shall be the duty of such court to enter its order so finding and then to transfer the property and affairs of such insurance company to the Board of Insurance Commissioners of this State, which shall act as liquidating agent in lieu of any other receiver for the purpose of administering the affairs of such insurance company; prescribing the powers and duties of the Board of Insurance Commissioners in connection with winding up and administering the affairs of such insurance company, and authorizing the Board of Insurance Commissioners to appoint necessary employees for that purpose; providing that the necessary expenses incurred in such liquidation shall be paid out of the assets of such insurance company, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be not printed.

PURL, Chairman.

Committee Amendment.

Amend H. B. No. 725, Section 1, page 2 of the enrolled copy of the bill, by striking out the following:

"Provided, however, the Attorney General, at the request of the Board of Insurance Commissioners, shall be the only persons with authority to bring a suit, to have a receiver appointed for closing up the affairs, or to enjoin, restrain or in-

terfere with the prosecution of the business of any insurance company doing or having done business in this State," and inserting in lieu thereof the following:

"Provided, however, that no one except the Attorney General shall have authority to bring any suit for a receiver, an injunction, or otherwise, which will interfere with the conduct of the business of an insurance company doing business in this State."

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 940, A bill to be entitled "An Act granting the Board of Control, with the Governor's approval, the right and power to sell not more than ten (10) acres of the land owned by the Gilmer State Orphanage; provided that the mineral rights of said land be reserved by the State of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 574, A bill to be entitled "An Act amending an Act passed at the Regular Session of the Thirty-fifth Legislature of the State of Texas, entitled 'An Act amending an Act passed at the Regular Session of the Thirty-third Legislature of the State of Texas, entitled "An Act granting unto the municipal authorities of the City of Austin, Texas, the right to establish, operate and maintain a public municipal auditorium upon the tract of land bounded on the north by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street, and on the west by San Antonio Street, in said City of Austin, and changing the designation upon the map of the City of Austin of said

tract from public square to Public Municipal Auditorium," so as to grant the City of Austin for ninety-nine (99) years the said land for a municipal auditorium and market, to hereafter read as follows, and declaring an emergency,' so as to grant to the City of Austin for eighty-three (83) years the said land for a public square and fire station, to hereafter read as follows, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 54, A concurrent resolution granting permission to N. E. Ross, Roy Johnson, Roy Ross, Dan E. Cook, Rose M. Cook and R. W. Johnson to sue the Game, Fish and Oyster Commission of Texas and the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 55, A concurrent resolution granting permission to Tom Loftas to sue the Game, Fish and Oyster Commission of Texas and the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 76, A concurrent resolution relative to compensation

for damage done by the Highway Department.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 516, A bill to be entitled "An Act authorizing the Board of Insurance Commissioners of Texas, with approval of the Governor, to promulgate rules, regulations and orders to regulate and stabilize payment of insurance premiums to life insurance companies and fraternal benefit societies and payment of policy reserve loans and withdrawals of cash reserves by policyholders; requiring life insurance companies and fraternal benefit societies to make full payment of death, sick and accident claims, and such other claims, including final judgments, for which life insurance companies and fraternal benefit societies may be liable; providing for cancellation of permit of any life insurance company of fraternal benefit society violating provisions of this Act or rules, regulations and orders of the Board of Insurance Commissioners; providing no privileges shall be granted life insurance companies or fraternal benefit societies when same privileges are not granted to policyholders; providing Board of Insurance Commissioners shall have authority to prevent cancellation of policies by extending time for payment of premiums; providing for salary limits and withholding payment of dividends during the operation of this Act; limiting operation of this Act to July 1, 1933; providing that if any section, provision, sentence, clause or phrase of this Act is declared unconstitutional it shall not invalidate the remainder of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PURL, Chairman.

## Final Disposition of Bills.

## SUPPLEMENT.

Number of Bill or Resolu- tion	Date Filed	Vote	
		House	Senate
H. B. No. 218.....	May 27, 1933..... 10:40 a. m.	Yeas 71 Nays 52	Yeas 16 Nays 5
H. B. No. 771.....	May 27, 1933..... 9:20 a. m.	Yeas 109 Nays 3	Yeas 26 Nays 5
H. B. No. 847.....	May 27, 1933..... 2:30 p. m.	Yeas 106 Nays 0	Yeas 27 Nays 0
S. B. No. 100.....	May 30, 1933..... 11:00 a. m.	Yeas 105 Nays 3	Yeas 28 Nays 1
S. B. No. 203.....	May 29, 1933..... 10:00 a. m.	Yeas 104 Nays 27	Yeas 24 Nays 7
S. B. No. 289.....	May 30, 1933..... 11:00 a. m.	Yeas 91 Nays 18	Yeas 27 Nays 1
S. B. No. 532.....	May 29, 1933..... 4:10 p. m.	Yeas 125 Nays 0	Yeas 21 Nays 3
S. B. No. 542.....	May 27, 1933..... 9:20 a. m.	Yeas 111 Nays 0	Yeas 28 Nays 0
S. B. No. 566.....	May 27, 1933..... 1:20 p. m.	Yeas 115 Nays 0	Yeas 27 Nays 1
S. B. No. 568.....	May 27, 1933..... 10:46 a. m.	Yeas 109 Nays 0	Yeas 30 Nays 0
S. C. R. No. 78.....	May 29, 1933..... 10:00 a. m.	Adopted	Adopted

W. W. HEATH, Secretary of State.



In Memory  
of  
James Hardy Lowry

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Senate Simple Resolution No. 126.

Senator Moore read the following memorial:

Mr. President and Members of the Senate:

Frequently during the deliberations of our body we are called to pause and pay tribute to the life and memory of some citizen who has distinguished himself in the affairs of men.

On this occasion it is but fitting that we direct our thoughts to an humble but distinguished personage, James Hardy Lowry, scholar, philosopher and statesman who won more than State-wide renown as a writer and the directing genius of a country weekly newspaper.

James Hardy Lowry was born of humble parentage on a farm near Bells, Tennessee. Given the advantage of only a common school education, he sought to broaden his sphere by adopting newspaper work as his life task.

Entering a country newspaper office at the early age of 16 years, Mr. Lowry learned the trade of printer that opened the avenue for a career that carried him to the heights of the Fourth Estate.

James Hardy Lowry was content to cast his lot with the middle class in the business, social and political affairs of the Nation. He located at Honey Grove, Texas, in 1886 and seven years later became editor-in-chief and principal owner of a country weekly newspaper. No one ever questioned Mr. Lowry's devotion to his chosen profession. In the sphere of country editor he won national renown as a writer and philosopher. His witticisms were published throughout the Nation. His editorials were reproduced in metropolitan newspapers, and in magazines of nation-wide circulation.

As a statesman, Mr. Lowry was not without honors. A son of the Old South, he held true to the traditions of Southern ideas and ideals, and in all the rapid changes that have swept the Nation during the past quarter of a century, he was prominent and effective in supporting the principles of democracy as taught by Jefferson and his colleagues who championed individual and State rights in representative government.

Mr. Lowry not only served his fellows as a writer and defender of our form of government, but rendered equally distinguished service to Texas as a regent of the College of Industrial Arts. For more than a score of years he rendered unselfish service as one of the directing heads of this institution, and not only contributed to the expansion and development of the institution to its present prom-

inence in the field of education in the South, but endeared himself to the citizens of the State in this capacity.

Mr. Lowry was content to live his life in a simple way among the humble, rural citizenship of a rural community close to his God and to Nature. He loved the humble and lowly; he devoted his life and energies to fighting the battles of the middle class, and as the unswerving champion of their rights he contributed much to the uplift of humanity. He loved the newspaper profession with an especial devotion and confined his service to the field of the so-called "country weekly," spurning frequent tempting offers from metropolitan newspapers who sought his services as a writer.

Mr. Lowry was signally honored by members of his profession, having served the various newspaper organizations of the State and Nation in many capacities as counsellor and officer.

Mr. Lowry quit the ways of men and surrendered his sword at his humble home in Honey Grove on Monday, May 30, 1933, after a life of unselfish service to his fellows. Kind, gentle, considerate and tolerant, he contributed to the happiness of humanity without thought of material gain, and left a heritage to which all men might wisely aspire. In the death of Mr. Lowry, Texas has lost a valuable public citizen, the newspaper profession a wise and devoted collaborer, and the friends of good government a faithful champion.

We bow to the inevitable and in recognition of that Higher Power whose influence prompted every act and deed of this departed friend of humanity.

Be it Resolved, by the Senate of Texas, That we mourn the passing of this distinguished and unselfish citizen, that a page of the Journal be set aside to his memory, and that a copy of this tribute be furnished the family of the deceased.

MOORE,  
NEAL,  
MURPHY,  
RUSSEK,  
HOLBROOK,  
BECK,  
BLACKERT,  
COLLIE,  
COUSINS,  
DeBERRY,  
DUGGAN,

FELLBAUM,  
GREER,  
HOPKINS,  
HORNSBY,  
MARTIN,  
ONEAL,  
PACE,  
PARR,  
PATTON,  
POAGE,  
PURL,

RAWLINGS,  
REDDITT,  
REGAN,  
SANDERFORD,  
SMALL,  
STONE,  
WOODRUFF,  
WOODUL,  
WOODWARD.

Adopted unanimously by a rising vote.